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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

| | | |
|------------------------------------|---|---------------------------------|
| FILBERTO GONZALEZ-MALDONADO, |) | |
| |) | |
| Petitioner, |) | No. C 05-2148 MMC |
| |) | |
| v. |) | |
| |) | |
| ALBERTO GONZALES, Attorney General |) | STIPULATION OF DISMISSAL |
| of the United States, |) | |
| |) | |
| Respondent. |) | |

Subject to the Court's approval, Respondent, the Attorney General of the United States, and Petitioner, Filberto Gonzalez-Maldonado, hereby stipulate to dismiss the petition for writ of habeas corpus in the above-entitled proceeding because, on July 6, 2005, the Board of Immigration Appeals ("BIA"), on its own motion, vacated its prior order (the order which is currently under review in this petition), reopened the case, and remanded the case to the Immigration Judge for further proceedings and for the entry of a new decision consistent with *Molina-Camacho v. Ashcroft*, 393 F.3d 937 (9th Cir. 2004).

In light of the fact that the BIA order upon which this petition for writ of habeas corpus is based has been vacated, this matter is moot. Therefore, the parties respectfully request that the Court dismiss the petition. The parties will bear their own costs.

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2 Dated: July 7, 2005

Respectfully submitted,

3 KEVIN V. RYAN
4 United States Attorney

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6 /s/
7 EDWARD A. OLSEN
8 Assistant United States Attorney

9 Dated: July 7, 2005

LAW OFFICE OF CHARLES E. NICHOL

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11 _____
12 /s/
13 CHARLES E. NICHOL
14 Attorney for Petitioner

15 **(PROPOSED) ORDER**

16 Pursuant to Stipulation, and for good cause shown, IT IS HEREBY ORDERED
17 THAT this case is dismissed. Each party shall bear its own costs.

18 Dated: July 7, 2005
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20 HONORABLE MAXINE M. CHESNEY
21 United States District Judge
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